

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GILLES AUDEMARD

MAILED

Appeal No. 94-3670
Application 07/713,367¹

JAN 05 1995

PAT & TM OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ON BRIEF

Before HAIRSTON, HARKCOM, and FLEMING, Administrative Patent Judges.HAIRSTON, Administrative Patent Judge.DECISION ON APPEAL

This is an appeal from the final rejection of claims 10 through 23.

The disclosed invention relates to a method and apparatus for controlling the rotational speed of an electrical motor.

Claim 10 is illustrative of the claimed invention, and it reads as follows:

10. An apparatus for controlling the rotation speed of an electric motor, the apparatus comprising:

¹ Application for patent filed June 12, 1991.

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means for generating a first signal (S1) with pulses having a variable frequency corresponding to a desired rotation speed of the motor;

means for transforming the first signal (S1) into a second signal (S2) with pulses having the frequency of the first signal (S1) and a predetermined constant duration; and

means for supplying the motor with a pulsating voltage having a frequency and a pulse duration substantially equal to the frequency and the pulse duration of the second signal (S2).

The references relied on by the examiner are:

Barton	3,875,486	Apr. 1, 1975
Minakuchi	4,203,061	May 13, 1980

Claims 10 through 23 stand rejected under 35 U.S.C. 103 as being unpatentable over Barton in view of Minakuchi.

Reference is made to the brief and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the 35 U.S.C. 103 rejection of claims 10 through 23.

Figure 1 in the reference to Barton discloses a motor speed control circuit that uses a constant frequency oscillator 15 that triggers a monostable multivibrator 19 to produce a pulse of varying width at line 23. The width or duration of the pulse is controlled by variable resistor 21. As explained at column 6, lines 26 through 30, "the greater the resistance value of variable resistor 21, the longer the duration of the pulse output

at terminal 6." In paragraph 11 of the answer, the examiner recognizes that Barton does not teach "the use of a variable frequency oscillator to adjust the running speed of the motor." For such a teaching, the examiner relies on the variable frequency oscillator 10 illustrated in Figure 1 of Minakuchi. According to the examiner, "[o]ne of ordinary skill in the art would have known to use a variable frequency oscillator 10 as taught by Minakuchi in the Barton circuit to adjust the speed of the motor to a desired level using frequency adjustment for ease of adjustment or as Minakuchi teaches for visual speed adjustment."

On page 8 of the brief, appellant argues that the skilled artisan would not have combined the teachings of the two references because of the incompatibility of the two motor speed control circuits, and that any incentive to do so would have to be derived from his disclosure. We agree with the appellant's argument that the skilled artisan would not have combined the teachings of Barton and Minakuchi because the only route for combining such disparate motor speed control teachings is by impermissible resort to the road map provided in appellant's disclosure and claims. The above-noted reason (i.e., the use of frequency adjustment for ease of adjustment) is not a convincing line of reasoning for changing the constant frequency found in Barton to a variable frequency. For these reasons, we hereby

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